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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,349	07/24/2003	Claus Karl Pfankuch	RF-96	2324

7590 06/15/2006

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EXAMINER

SCHATZ, CHRISTOPHER

ART UNIT PAPER NUMBER

1733

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,349

Applicant(s)

PFANKUCH, CLAUS KARL

Examiner

Christopher T. Schatz

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 rejected under 35 U.S.C. 102(e) as being anticipated by Appelbaum '342.

Appelbaum discloses an apparatus for sealing envelopes of plastics material, particularly polypropylene, the apparatus comprising, a gluing station 46 capable of applying, after each envelope has been filled, an adhesive which can be activated or cured by light radiation onto at least one surface of the envelope to be glued, and following the gluing station in a conveying direction of the envelopes, a device 73 for light radiation of the adhesive applied to the envelope (figures 2-5, column 4, lines 30-59). Applicant should note that the package produced by Appelbaum reads on the term "envelope." Additionally, applicant should note that the envelope is material worked upon, and thus requiring the envelope to be polypropylene does not further limit the claim. MPEP 2115. Appelbaum's apparatus is fully capable of performing the functional language required by the independent claim.

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As to claim 2, Appelbaum discloses the device for light radiation is configured to emit UV-radiation (column 4, lines 54-59). Applicant should note that the adhesive is material to be worked upon and thus requiring said adhesive to be UV-curable does not further limit the claim. Nevertheless, Appelbaum discloses that the adhesive is UV-curable.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Appelbaum et al. '169.

Appelbaum et al. discloses an apparatus for sealing envelopes of plastics material, particularly polypropylene, the apparatus comprising, a gluing station capable of applying, after each envelope has been filled, an adhesive which can be activated or cured by light radiation onto at least one surface of the envelope to be glued, and following the gluing station in a conveying direction of the envelopes, a device 73 for light radiation of the adhesive applied to the envelope (figures 6-8, column 1, line 60 – column 2, line 26). Applicant should note that the package produced by Appelbaum et al. reads on the term “envelope.” Examiner is interpreting envelope to mean something that envelops.

Additionally, applicant should note that the envelope is material worked upon, and thus requiring the envelope to be polypropylene does not further limit the claim. MPEP 2115.

Appelbaum et al.'s apparatus is fully capable of performing the functional language required by the independent claim.

As to claim 2, Appelbaum et al. discloses the device for light radiation is configured to emit UV-radiation (column 2, lines 14-16). Applicant should note that the adhesive is material to

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be worked upon and thus requiring said adhesive to be UV-curable does not further limit the claim. Nevertheless, Appelbaum et al. discloses that the adhesive is UV-curable.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ewing '552.

Ewing discloses an apparatus for sealing envelopes of plastics material, particularly polypropylene, the apparatus comprising, a gluing station 12 capable of applying, after each envelope has been filled, and adhesive which can be activated or cured by light radiation onto at least one surface of the envelope to be glued, and following the gluing station in a conveying direction of the envelopes, a device 27 for light radiation of the adhesive applied to the envelope (figure 1, column 1, lines 35 – column 2, line 60). Applicant should note that the finished product of Ewing – the blister 21 bonded to the backing material – reads on the term “envelope.” Applicant should further take note that even though the adhesive is applied to the backing material instead of material 20, the reference still meets the limitation of the claim because the backing material is ultimately part of the “envelope.” Examiner also asserts that although the reference does not explicitly recite that the blisters 21 are “filled” with an article, applicant’s claim does not require the presence of a filling means. The blisters are fully capable of being filled by some means before application of the adhesive to the backing material. Additionally, it is noted that applicant does not require said envelopes to filled with a specific material. Thus examiner asserts the blisters 21 are filled with air before application of the adhesive to the backing material. Ewing’s apparatus is fully capable of performing the functional language required by the independent claim.

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As to claim 2, Ewing discloses the device for light radiation is configured to emit UV-radiation (column 2, lines 36-37). Applicant should note that the adhesive is material to be worked upon and thus requiring said adhesive to be UV-curable does not further limit the claim. Nevertheless, Ewing discloses that the adhesive is UV-curable.

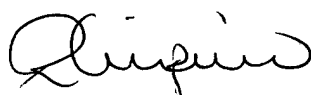
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher T. Schatz whose telephone number is 571-272-1456. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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